

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

KELLY ANN ISEMAN,)	Case No.: 1:19 CV 2806
)	
Plaintiff)	JUDGE SOLOMON OLIVER, JR.
)	
v.)	
)	
COMMISSIONER OF SOCIAL)	
SECURITY,)	
)	
Defendant)	<u>ORDER</u>

The Commissioner of Social Security (“Commissioner”) denied disability benefits to Plaintiff Kelly Ann Iseman (“Plaintiff” or “Iseman”) in the above-captioned case. Plaintiff sought judicial review of the Commissioner’s decision, and this court referred the case to Magistrate Judge James R. Knepp II (“Magistrate Judge” or “Judge Knepp”) for preparation of a Report and Recommendation (“R & R”). Both parties submitted briefs on the merits. (ECF Nos. 15, 19, 20.) Plaintiff requests an order vacating the Commissioner’s decision and remanding the case on the grounds that the Administrative Law Judge (“ALJ”) violated the treating physician rule, which dictates that courts give greater deference to medical opinions offered by treating physicians than non-treating physicians, and that the ALJ erred at Step Four of the disability analysis in finding that Plaintiff could perform her prior work. (Pl.’s Br., ECF No. 15.) The Commissioner seeks final judgment upholding the decision below. (Def.’s Br., ECF No. 19.)

Judge Knepp submitted an R & R (ECF No. 22) on November 19, 2020, recommending that

the court vacate the Commissioner's decision and remand for further proceedings. Although the Magistrate Judge found that the ALJ had "provided supported 'good reasons' for discounting" the opinion of one of Plaintiff's treating physicians (Dr. Hanahan), (*id.* at PageID #2397–02), the R & R concludes that the ALJ failed to sufficiently justify discounting the opinion of another treating physician (Dr. Svete), (*id.* at PageID #2402–06). Accordingly, the R & R recommends finding that the Commissioner's decision is not supported by substantial evidence and reversing and remanding for further consideration of Dr. Svete's opinion. (*Id.* at PageID #2406–07.)

Objections to the R & R were due by December 3, 2020. The Government submitted a notice on November 20, 2020, indicating that it "[would] not be filing objections." (Def.'s Resp. to R & R at PageID #2408, ECF No. 23.) Plaintiff did not file any objections. This matter now is ripe for review.

The court finds, after careful *de novo* review of the R & R and all other relevant documents in the record, that the Magistrate Judge's conclusions are fully supported by the record and controlling case law. Accordingly, the court adopts as its own Judge Knepp's R & R (ECF No. 22). The court hereby vacates the Commissioner's decision and remands the case for further proceedings consistent with this opinion.

IT IS SO ORDERED.

/s/ SOLOMON OLIVER, JR.
UNITED STATES DISTRICT JUDGE

December 11 , 2020